

AMENDED IN SENATE JULY 7, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1050

Introduced by Assembly Member Low
(Coauthor: Senator Leno)

February 26, 2015

An act to amend Section 13923 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1050, as amended, Low. State employees: charitable deductions.

Existing law authorizes the California Victim Compensation and Government Claims Board to approve plans for payroll deduction from the salaries or wages of state officers and employees for charitable contributions to the agency handling the principal combined fund drive in any area. Existing law also authorizes the board to approve requests of charitable organizations to receive designated deductions if the charitable organization qualifies as an exempt organization under both state and federal income tax laws. Existing law requires a charitable organization approved by the board to certify under penalty of perjury that it is in compliance with the Fair Employment and Housing Act.

This bill would additionally require the charitable organization to certify under penalty of perjury that it is in compliance with the Unruh Civil Rights Act. The bill would require the charitable organization to provide ~~the board with~~ *board, in electronic format*, a written nondiscrimination policy or statement that it does not have one, but otherwise complies with the Unruh Civil Rights Act. By expanding the

definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13923 of the Government Code is
2 amended to read:

3 13923. (a) The board may approve plans for payroll deduction
4 from the salaries or wages of state officers and employees under
5 subdivision (f) of Section 1151 for charitable contributions to the
6 agency handling the principal combined fund drive in any area.
7 The board shall establish necessary rules and regulations, including
8 the following:

9 (1) Standards for establishing what constitutes the principal
10 combined fund drive in an area.

11 (2) A requirement that the agency to receive these contributions
12 shall pay, for deposit in the General Fund, the additional cost to
13 the state of making these deductions and remitting the proceeds,
14 as determined by the Controller.

15 (3) A requirement that the agency to receive these contributions
16 shall pay, for deposit in the General Fund, the board's cost to
17 administer the annual charitable campaign fund drive. This amount
18 shall be determined by the board and may be appropriated in
19 support of the board as reimbursements to Item 8700-001-0001 of
20 the annual Budget Act.

21 (4) Provisions for standard amounts of deductions from which
22 each state officer or employee may select the contribution that he
23 or she desires to make, if any.

24 (5) A prohibition upon state officers or employees authorizing
25 more than one payroll deduction for charitable purposes to be in
26 effect at the same time.

1 (6) A provision authorizing the Controller to combine in his or
2 her records deductions for employee association dues, if authorized,
3 and charitable deductions, if authorized.

4 (b) The board, in addition, may approve requests of any
5 charitable organization qualified as an exempt organization under
6 Section 23701d of the Revenue and Taxation Code, and Section
7 501(c)(3), of the Internal Revenue Code that is not an affiliated
8 member beneficiary of the principal combined fund drive to receive
9 designated deductions from the principal fund drive.

10 (c) (1) The principal combined fund drive agency, any
11 charitable organization that is an affiliated member beneficiary of
12 the principal combined fund drive, and any charitable organization
13 approved by the board to receive designated deductions on the
14 payroll authorization form of the principal fund drive, shall certify
15 under penalty of perjury to the board that it is in compliance with
16 both Section 51 of the Civil Code and the Fair Employment and
17 Housing Act (Part 2.8 (commencing with Section 12900)) as a
18 condition of receiving these designated deductions.

19 (2) ~~The~~ *As part of the certification process, the* charitable
20 organization shall provide to the board with board, in an electronic
21 format, either the written nondiscrimination policy of the
22 organization or a written statement to indicate that the organization
23 does not have a written nondiscrimination policy, but otherwise
24 complies with Section ~~51~~ *51 of the Civil Code*.

25 (d) The principal combined fund drive shall obtain from the
26 board the list of approved nonaffiliated beneficiaries, eligible for
27 designated deductions in its approved drive area, and shall provide
28 this information to each employee at the time of the principal fund
29 drive. The principal combined drive agency shall provide a
30 designation form for the employee to indicate those amounts to
31 be contributed to affiliated and nonaffiliated beneficiaries. The
32 designation form shall consist of a copy for each of the following:
33 (1) the employee, (2) the employee's designated beneficiary
34 agency, and (3) the principal combined fund drive agency. The
35 principal combined fund drive agency shall pay the amount
36 collected for the employee designated beneficiary agency less the
37 amount necessary to reimburse the principal combined fund drive
38 agency for fundraising and administrative expenses. The fee
39 charged for fundraising and administrative cost reimbursement

1 shall be determined by the board, published in campaign literature
2 and made available to the employee during the solicitation process.

3 (e) Nothing contained in this section shall preclude a principal
4 fund drive agency from giving a percentage of the undesignated
5 funds to charities that are not members of the agency handling the
6 principal drive, or honoring an employee's designated deduction
7 to any charitable organization.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.